

6 F.4th 562, 568–569 (4th Cir. 2021)) (quotation marks omitted). Further, the fact that a second or successive § 2255 motion is barred except only when there is newly discovered evidence or a new rule of constitutional law does not cause § 2255 to be inadequate or ineffective. Jones v. Hendrix, 599 U.S. 465, 477–80 (2023). Accordingly, petitioners cannot assert a successive collateral attack on a federal conviction pursuant to § 2241. See id.

Here, plaintiff fails to demonstrate that § 2255 is inadequate or ineffective to test the legality of his conviction or sentence. Therefore, this court lacks jurisdiction to consider petitioner’s claims. See United States v. Wheeler, 886 F.3d 415, 423–26 (4th Cir. 2018), overruled on other grounds by Jones, 599 U.S. at 477–78. Moreover, after denying petitioner’s November 28, 2017, motion to vacate sentence pursuant to § 2255, the United States District Court for the Eastern District of New York entered an order enjoining petitioner from “filing any future motion, petition, or other document in this Court or any other federal court touching upon his 2014 conviction, without prior authorization of the Court.” Liounis, No. 1:12-CR-350-ARR-1 (E.D.N.Y. Aug. 22, 2018). In order to make such a filing, petitioner “must submit, along with the proposed filing, a request for leave to file and an affidavit attesting that the proposed filing raises new claims over which this Court has jurisdiction.” Id. Petitioner did not provide the requisite submissions in the instant case.

Finally, because reasonable jurists would not find the court’s treatment of any of these claims debatable or wrong, and because none of the issues are adequate to deserve encouragement to proceed further, the court also denies a Certificate of Appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Based on the foregoing, the court DISMISSES WITHOUT PREJUDICE the petition and DENIES a certificate of appealability. The clerk is DIRECTED to close the case.

SO ORDERED, this the 10th day of June, 2024.



RICHARD E. MYERS, II
Chief United States District Judge